

S787M/00034

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE**

JOAN HAYNES, )  
v. )  
Plaintiff, )  
STATE FARM MUTUAL )  
AUTOMOBILE INSURANCE )  
COMPANY )  
Defendant. )  
Civil Action Number: 2:16-cv-2350

## NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §1446, Defendant, State Farm Mutual Automobile Insurance Company (“State Farm”), hereby files this Notice of Removal removing this case from the Chancery Court of Shelby County, Tennessee, Case No. CH-16-0629, where it is currently pending, to the United States District Court for the Western District of Tennessee. This cause is removable pursuant to 28 U.S.C. § 1332, in that Plaintiff’s claims invoke the Court’s diversity jurisdiction and the amount in controversy exceeds the statutorily required \$75,000.00. In support of removal, State Farm respectfully shows the Court as follows:

## INTRODUCTION

1. State Farm Fire and Casualty Company is a foreign corporation incorporated in the State of Illinois and whose principal place of business is in Bloomington, Illinois.
2. Plaintiff, Joan Haynes, is a resident of the State of Tennessee.
3. Plaintiff's complaint seeks damages in excess of Seventy-Five Thousand Dollars (\$75,000).

4. The United States District Court for the Western District of Tennessee is the federal judicial district embracing the Chancery Court of Shelby County, Tennessee, where this suit was originally filed. Venue is therefore proper under 28 U.S.C. §§ 81(b)(1) and 1441(a).

5. Pursuant to 28 U.S.C. §§ 1332, this civil action is removable as it invokes the federal court's diversity jurisdiction. This Court therefore has subject matter jurisdiction over this civil action, and removal is proper.

#### **PROCEDURAL HISTORY**

6. Joan Haynes ("Plaintiff") instituted this civil action in the Chancery Court of Shelby County, Tennessee, on April 12, 2016, arising out of State Farm's denial of a claim for benefits on Policy No. D009768-A14-42N. A true and correct copy of all process and pleadings as served upon State Farm is attached hereto as Exhibit "A" and is incorporated herein by reference.

7. Pursuant to 28 U.S.C. 1446(d), a copy of this Notice of Removal will be filed with the Shelby County Chancery Court, and written notice will be provided to Plaintiff along with a copy of this pleading.

#### **REMOVAL IS TIMELY FILED UNDER § 1446(b)**

8. "The notice of removal of a civil action or proceeding shall be filed within thirty days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based, or within thirty days after the service of summons upon the defendant if such initial pleading has then been filed in court and is not required to be served on the defendant, whichever period is shorter." 28 U.S.C. § 1446

9. The State of Tennessee Department of Commerce and Insurance was served with the summons in this action on April 20, 2016. State Farm received a copy of this action on April

27, 2016. As such, pursuant to 20 U.S.C. § 1446(b), this notice of removal is timely filed since it is filed on or before May 27, 2016.

**NON-WAIVER OF DEFENSES**

10. By removing this action from Shelby County Chancery Court, State Farm does not waive any defenses available to it.

11. By removing this action from Shelby County Chancery Court, State Farm does not admit any of the allegations in Plaintiff's complaint.

**WHEREFORE, PREMISES CONSIDERED**, Defendant State Farm, by and through its counsel, desiring to remove this civil action to the United States District Court for the Western District of Tennessee, being the district and division for the county in which such civil action is pending, prays that the filing of this Notice of Removal, the giving of written notice thereof to Plaintiff, and the filing of a copy of this Notice of Removal with the clerk of the Chancery Court of Shelby County, Tennessee, shall effect the removal of said civil action to this Honorable Court. Defendant demands a jury to try the issues.

Respectfully submitted this 20<sup>th</sup> day of May, 2016.

**LEWIS, THOMASON, KING, KRIEG  
& WALDROP, P.C.**

By: s/ Jonathan L. May  
CHRISTOPHER L. VESCOVO (14516)  
JONATHAN L. MAY (27408)  
*Attorneys for Defendant State Farm Mutual  
Automobile Insurance Company*  
2900 One Commerce Square  
40 South Main Street  
Memphis, TN 38103  
(901) 525-8721  
[cvescovo@lewisthomason.com](mailto:cvescovo@lewisthomason.com)  
[jmay@lewisthomason.com](mailto:jmay@lewisthomason.com)

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above and foregoing has been served upon the following listed person, via U.S. Mail, postage pre-paid, this the 20<sup>th</sup> day of May, 2016:

Mark Ledbetter, Esq.  
*Counsel for Plaintiff*  
254 Court Ave., Suite 305  
Memphis, TN 38103  
(901) 523-8153

s/ Jonathan L. May \_\_\_\_\_

6675059